

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

MATTHEW SOUTER,)
)
 Plaintiff,)
)
 v.) C.A. #1:20-cv-1295 (TSE/JFA)
)
 C. T. IRBY, *et al.*)
)
 Defendants.)

Plaintiff's Supplemental Jury Instruction #14

Plaintiff Matthew Souter submits this additional proposed jury instruction regarding the use of force by law enforcement officers in self-defense during the course of an arrest in light of the trial court's remarks at the close of evidence on August 18, 2022.

Plaintiff's Proposed Instruction #14

§1983: “Reasonable Use of Force” By Officers in Self-Defense Explained

Use of force decisions by law enforcement in self-defense must be based on a reasonable officer's conclusion that an immediate threat existed to the officer's safety justifying the particular use of force. Liability for excessive force will attach if the officer's conclusion is objectively unreasonable or if the force employed was disproportionate to the risk of harm present. The reasonableness of any force used in claimed self-defense must be evaluated at the moment the force is used for that alleged reason.

Elliott v. Leavitt, 99 F.3d 640, 642 (4th Cir. 1996); *Kopf v. Wing*, 942 F.2d 265, 269 (4th Cir. 1991); *Waterman v. Batton*, 393 F.3d 471, 481 (4th Cir. 2005); *Henry v. Purnell*, 652 F.3d 524, 531 (4th Cir. 2011) (*en banc*)

Respectfully submitted,

MATTHEW SOUTER,
By counsel

Dated: August 18, 2022

Counsel for Plaintiff:

//s// Victor M. Glasberg

Victor M. Glasberg, #16184
Nickera S. Rodriguez, #95952
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
vmg@robinhoodesq.com
nsr@robinhoodesq.com
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Respectfully submitted,

MATTHEW SOUTER,

By counsel

Dated: June 3, 2021

Counsel for Plaintiff:

//s// Victor M. Glasberg

Victor M. Glasberg, #16184

Nickera S. Rodriguez, #95952

Victor M. Glasberg & Associates

121 S. Columbus Street

Alexandria, VA 22314

703.684.1100 / Fax: 703.684.1104

vmg@robinhoodesq.com

nsr@robinhoodesq.com

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Certificate of Service

I, Victor M. Glasberg, hereby certify that on this 3rd day of June 2021, I electronically filed the foregoing Notice of Filing of Order with the clerk of the court.

//s// Victor M. Glasberg

Victor M. Glasberg, #16184
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
vmg@robinhoodesq.com

Counsel for Plaintiff